

REMARKS

The Examiner has rejected the pending claims based on non-statutory double patenting rejection. Applicants have considered the rejection. Applicants have cancelled without prejudice the claims on file, and substituted new claims 24-31. Applicants believe the new claims 24-31 are new and novel, and will reconsider the double patenting rejection if the Examiner wishes to repeat it for the new claims 24-31 in a new office action.

For the rejections under section 102 and 103 based on Jalali (6,154,659), Applicants contend that the cited reference deals with power control commands for controlling power level of only one data stream. There is marked differences between Jalali and the claimed invention.

The claimed invention includes a method and apparatus for forward link power control of transmissions of at least two data streams to a mobile station using a common power control channel. A first series of power control command data bits is determined for controlling power level of a first data stream of one of the two data streams. A second series of power control command data bits is determined for controlling power level of a second data stream of the two data streams. The first and second series of power control command data bits are multiplexed to form a common series of power control command data bits. The common series of power control command data bits is transmitted over the common power control channel for controlling power levels of transmissions of the two data streams to the mobile station.

In contrast, Jalali operates for generating two power control bit streams for controlling the same data streams. Jalali generates the two streams using different assumptions, namely whether the data rate of the data stream has changed before or after the last transmission. Since the data rate change information is unknown to the mobile station, the mobile station generates two different power control streams and transmits both to the base station for controlling the transmission power level of the data stream. The base station knowing that the data rate change information, selects one of the two streams for controlling the transmission power level of the data stream. Therefore, there is marked differences between the cited reference and the claimed invention as recited in claims 24-31.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: July 19, 2004

By: 
S. Hossain Beladi, Reg. No. 42,311
(858) 651-4470

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502